

# REALTY TRANSFER CERTIFICATE

## GENERAL INSTRUCTIONS

**WHO MUST FILE:** Any party transferring real property when the transfer is not evidenced by deed or instrument or any party presenting an instrument or deed evidencing a transfer of real estate for recordation. Real estate includes land, growing timber, buildings, structures, fixtures, fences, and improvements affixed to land.

**WHEN AND WHERE TO FILE:** The completed Realty Transfer Certificate must be filed with the County Clerk & Recorder when the instrument or deed evidencing a transfer of real estate is presented for recording.

**SALE INFORMATION IS CONFIDENTIAL AND ONLY FOR OFFICIAL USE BY THE DEPARTMENT OF REVENUE**

PART 1 - DATE OF SALE / DEATH OF JOINT TENANT

This should be the date on which the instrument or deed was executed (the date the instrument or deed was signed by the grantor (seller) unless otherwise specified in the deed or date of decedents death). Contracts for Deed and Notices of Purchasers Interest should use the date the contract or notice was initially signed, not the date the contract was finalized.

PART 2 - GRANTOR OR DECEASED JOINT TENANT / GRANTEE OR SURVIVING JOINT TENANT INFORMATION

Grantor or Deceased Joint Tenant / Grantee or Surviving Joint Tenant : Enter the names of the Grantor or Deceased Joint Tenant (seller) and Grantee or Surviving Joint Tenant (buyer) exactly as they appear on the transferring document. Business organizations, corporation, trusts, etc. should enter their name(s) exactly as it appears on the transferring document, or the original joint tenancy document.

Addresses: For the Grantor or Deceased Joint Tenant, enter the current mailing address. For the Grantee or Surviving Joint Tenant, please enter the address where the current assessment notice(s) is to be sent. **Note:** This may not be the Grantee's or Surviving Joint Tenant's present address.

SS# or Fed ID#: For individuals, list the social security number of all legal owners named in the transferring document. Business organizations, trusts, corporations, etc. list the federal ID number(s) of the legal entity (ies) named in the transferring document. Entry of social security or federal ID numbers is not mandatory.

Daytime Phone #: Enter phone numbers for both the Grantor or Deceased Joint Tenant representative (seller) and Grantee or Surviving Joint Tenant (buyer).

PART 3 - DESCRIPTION OF PROPERTY

This section identifies the sale parcel by location and is the legal description found on the instrument or deed conveying the real estate or the abstract to the real estate. The legal description may also be obtained from tax receipts or by calling your County Plat Room or Department of Revenue Office. Please include the property address if different from the mailing address.

PART 4 - EXEMPTIONS

If any of the exemptions listed apply to this sale, please check the appropriate line and do not complete Section 5. If you are unsure whether this transaction should be defined as an exemption, or if you have any other questions concerning exempt status, please request a decision determination from your local Department of Revenue Office.

PART 5 - SALE INFORMATION

If there is no exemption checked in Part 4, you must complete this section.

Enter the total purchase price paid for the sale parcel. This should include cash, mortgages, property traded, liabilities assumed, leases, easements and personal property.

Financing: if you paid cash for the entire sale parcel, check the box in front of Cash. If you financed the property by receiving a loan, indicate the type by checking the appropriate box; Federal Housing Administration (FHA) Loan, Veterans Administration (VA) Loan or Conventional. If this was a contract for deed or trust indenture, indicate by checking the box in front of Contract. If there was some other type of financing used such as a Montana Board of Housing Loan, trade, etc. please indicate by checking the box in front of the Other. Also, indicate whether this was a new loan or an assumption of an existing loan.

Enter the dollar amount of any personal property included with the sale of this parcel. Personal property includes furniture and fixtures, business and farm equipment, livestock, leases and easements, and mobile homes. Anything that is permanently attached to the real estate should not be included here.

If there are any **SIDS** (Special Improvement Districts - liens levied against the property for amenities like street paving, sewers, water systems, etc.), was an SID payoff included in the total purchase price? Did the buyer assume SID balances? Please indicate by checking Yes or No and the amount of the SID paid or assumed.

PART 6 - WATER RIGHT DISCLOSURE

This disclosure must be completed and signed by the seller or the seller's legally appointed agent. Refer to the back of this page for further information about the disclosure.

PART 7 - PREPARER INFORMATION

All Realty Transfer Certificates must be signed and dated by the preparer. By his/her signature the preparer indicates the information provided is true and correct to the best of his/her knowledge that the Grantor or Deceased Joint Tenant representative (seller) and the Grantee or Surviving Joint Tenant (buyer) have examined the completed Realty Transfer Certificate and agree the information contained within is correct and accurate, and that he/she is duly authorized to sign the Realty Transfer Certificate as an agent or representative for the Grantor or Deceased Joint Tenant and/or Grantee or Surviving Joint Tenant.

Please print the preparer's name, address and phone number where he/she can be reached during business hours.

**The Department of Revenue cannot change ownership records unless this form is fully and accurately completed and signed.** Present the completed Realty Transfer Certificate to the County Clerk & Recorder when recording an instrument or deed evidencing a transfer of real estate. No such instrument or deed may be accepted for recordation until the Realty Transfer Certificate has been received by the Clerk & Recorder.

(SECTIONS 15-7-304 AND 15-7-305, MCA)

# WATER RIGHT DISCLOSURE INFORMATION

The Water Right Disclosure is required by Montana Law. Legislators decided it is important for both the buyer and seller of property to know what the water right situation is — whether any water rights exist, and whether they are being transferred with or withheld from the property.

A water right is a legally protected right to beneficially use water in priority that was obtained in accordance with Montana law. Buyers should be careful to investigate whether water being used on a piece of property amounts to a valid water right, or is merely an unauthorized and unprotectable use of water. In Montana all irrigation water rights must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic, as opposed to municipal uses, based on an instream flow or groundwater source before July 1, 1973, do not need a DNRC water right number. If a water right does not have a DNRC number, and does not fall within the above narrow exception, then there is no water right.

Once the water rights appurtenant to a piece of property have been identified, the investigation of water right should not stop there. Although a water right may have a valid DNRC water right number, it may still be subject to final adjudication in Montana's general stream adjudication. The Montana Water Court is currently adjudicating all Statements of Claim for pre-July 1, 1973, water rights. How good a water right is depends on how it comes out of the adjudication, and how its priority compares to other water rights on a source of supply. You may need to consult an attorney or water rights consultant for an opinion as to the status of that water right. The Montana Water Court can answer questions about the current status of Statements of Claim being adjudicated by calling 1-800-624-3270 (in state) or 406-586-4364.

If there are water rights which have been historically used on the property being transferred, but are not going to be transferred in the sale of land, the deed must specifically reserve those water rights. Otherwise, if the deed is silent, the water rights automatically pass with the land by operation of law.

The following descriptions may be of some help in determining which box to mark in Part 6, Water Rights Disclosure. If further assistance is needed, you may want to seek legal advice.

- **Grantor property has water rights and *all water rights transfer*** means there are water rights used at the property and all the water rights transfer with the property.
- **Grantor property has water rights but seller has reserved them so *no water rights transfer*** means there are water rights used at the property, but the seller is not going to transfer any of the rights with the property. **Note:** The water rights not transferring with the land must be specifically reserved in the deed.
- **Grantor property has water rights but *not all water rights transfer*** means there are water rights used at the property, but the seller is going to transfer some, but not all, of the water rights with the property. **Note:** The water rights not transferring with the land must be specifically reserved in the deed.
- **Grantor property has *no water rights of record with the Department of Natural Resources & Conservation*** (DNRC) means there may not be any water used at the property. It may also mean water is used, but the rights are not on record with the DNRC. Existing rights for livestock and individual domestic, as opposed to municipal uses, based on an instream flow or groundwater source appropriated before July 1, 1973, can legally exist without being on record with the DNRC.

Contact the DNRC for information if water is used on the property other than described above.

**NOTE:** *The seller is exempt from the Water Rights Disclosure requirement only if the property is served by a public service water supply or the deed was in escrow prior to January 1, 1998. If your circumstances meet these exceptions, you only need to check the appropriate box on the disclosure. NO signature is required.*

REALTY TRANSFER CERTIFICATE

CONFIDENTIAL

Montana law requires this form and may impose up to a \$500 penalty for failure to file a Realty Transfer Certificate (15-7-304, 305 and 310, MCA).

GEO CODE:

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ASSESSMENT CODE: \_\_\_\_\_

PART 1 - Date of Sale/Death of Joint Tenant

Month/Day/Year

The Department of Revenue cannot change the name on ownership records used for the assessment and taxation of real property unless this form is fully and accurately completed and signed. Present the completed Realty Transfer Certificate to the Clerk & Recorder when recording an instrument or deed evidencing a transfer of real estate.

PART 2 - Parties - Names must be entered exactly as they appear on the transfer of ownership or original document creating the joint tenancy

Seller / Deceased Joint Tenant - Enter grantor's / deceased joint tenant's complete name and mailing address, including city, state and ZIP.

Social Security # or Federal ID #

Daytime Phone #

Buyer / Surviving Joint Tenant - Enter grantee's / surviving joint tenant's complete name and assessment notice mailing address, including city, state and ZIP.

Social Security # or Federal ID #

Daytime Phone #

PART 3 - Description of Property - If description is too lengthy, please attach a separate page

Legal Description: \_\_\_\_\_ Attachment ☐

Add/Sub \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

County \_\_\_\_\_ City/Town \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

PART 4 - Grantor or Deceased Joint Tenant / Grantee or Surviving Joint Tenant is exempt from reporting sale information because: (Check Only One)

☐ Property is agricultural land which will remain in that use.

☐ Property is timberland which will remain in the use of producing timber

☐ Purchaser is U.S., State, or Other governmental agency

☐ Transfer is to correct, modify or supplement a previously recorded instrument. NO ADDITIONAL CONSIDERATION IS MADE

☐ Transfer is pursuant to a court decree.

☐ Transfer is pursuant to a merger, consolidation or reorganization of a business as defined by section 368, IRC.

☐ Transfer is pursuant to a decedent's estate.

☐ Other (Specify Type) \_\_\_\_\_

☐ Transfer is a gift.

☐ Transfer is between husband and wife or parent and child with nominal actual consideration

☐ Purchaser and seller are identical parties.

☐ Transfer is pursuant to delinquent taxes, sheriff sales, bankruptcy or foreclosure.

☐ Transfer is made in contemplation of death without actual consideration.

☐ Transfer is from a subsidiary to a parent corporation without actual consideration

PART 5 - Sale Information - Must be completed unless exempt in Part 4 - Preparer may attach copy of buy/sell agreement

Actual Sale Price: \$ \_\_\_\_\_

Financing: ☐Cash ☐FHA ☐VA ☐Contract ☐Other

Terms: ☐New Loan or ☐Assumption of Existing Loan

Value of personal property included in sale: \$ \_\_\_\_\_

Was an SID payoff included in the sale price? ☐Yes ☐No

Did the buyer assume an SID? ☐Yes ☐No

Amount of SID Paid or assumed: \$ \_\_\_\_\_

Was a mobile home included in the sale? ☐Yes ☐No

PART 6 - Water Right Disclosure -- REQUIRED BY LAW -- (Check Only One)

For questions concerning this disclosure of Water Rights, you may want to seek legal advice.

☐ Grantor / deceased joint tenant property has water rights and **all water rights transfer.**

☐ Grantor / deceased joint tenant property has water rights but seller has reserved them so **no water rights transfer.**

☐ Grantor / deceased joint tenant property has water rights but **not all water rights transfer.**

☐ Grantor / deceased joint tenant property has **no water rights of record with the Department of Natural Resources & Conservation.**

(See important information on reverse side pink copy.)

I declare I have examined the above water right disclosure information and it is true and correct.

After closing, a copy of the signed disclosure will be provided to the buyer.

Grantor (seller) signature

Property transaction is exempt from the disclosure because:

☐ Property is served only by a public service water supply. (No signature required.)

☐ Deed was in escrow prior to January 1, 1998. (No signature required.)

TO UPDATE WATER RIGHT OWNERSHIP, COMPLETE THE WATER RIGHT TRANSFER CERTIFICATE ON THE PINK COPY OF THIS DOCUMENT.

A \$50.00 FINE CAN BE IMPOSED FOR FAILURE TO FILE A WRTC, IF REQUIRED

PART 7 - Preparer Information - Please print or type - Preparer's signature is required

Name/Title \_\_\_\_\_

Mailing Address \_\_\_\_\_

Signature  Daytime Phone # \_\_\_\_\_

Clerk & Recorder Use Only

Type of Instrument:

☐ Warranty

☐ Trust Deed

☐ Quit Claim

☐ Interest

☐ Grant

☐ Notice of Purchaser's Interest

☐ Contract For Deed

☐ Statement of Acknowledgment

☐ Bargain & Sale Deed

☐ Termination of Joint Tenancy

☐ Decree

☐ Tax Deed

☐ \_\_\_\_\_

Recording Information:

Document # \_\_\_\_\_

Book \_\_\_\_\_ Page \_\_\_\_\_

Date \_\_\_\_\_

Main Geocode: \_\_\_\_\_

Assessment Code Or Parcel # \_\_\_\_\_

Department Use Only-Type of Real Estate

Vacant Residential Lots or Tracts

Improved Residential Lots or Tracts

Vacant Commercial Lots or Tracts

Improved Commercial Lots or Tracts

Tax Exempt Property (by law)

Agricultural Property

Non-qualified Agricultural Property

Forest Land

Industrial Property

Mining Claim

Department of Revenue Copy

# DNRC WATER RIGHT OWNERSHIP UPDATE

GEO  
CODE:   \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
                  \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
                  \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

PART 1 - SALE DATE  
  
\_\_\_\_\_  
Month/Day/Year

## SEE IMPORTANT INFORMATION ON THE BACK OF THIS FORM

PART 2 - Grantor/Grantee - names must be entered exactly as they appear on the transfer of ownership

Seller - Enter grantor's complete name and mailing address, including city, state and ZIP.

▶ \_\_\_\_\_  
  
\_\_\_\_\_  
Daytime Phone # \_\_\_\_\_

Buyer - Enter grantee's complete name and assessment notice mailing address, including city, state and ZIP.

▶ \_\_\_\_\_  
  
\_\_\_\_\_  
Daytime Phone # \_\_\_\_\_

PART 3 - Description of Property - If description is too lengthy, please attach a separate page

Legal Description: \_\_\_\_\_ Attachment ☐  
Add/Sub \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_  
County \_\_\_\_\_ City/Town \_\_\_\_\_ Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

### A. WATER RIGHT(S) TO UPDATE

List all water rights which need to have ownership updated. Attach a list if additional space is needed. ☐ Attachment

▶ (W, U, A, B, or O) Statement of Claim No. \_\_\_\_\_  
▶ (C) Certificate of Water Right No. \_\_\_\_\_  
▶ (P) Permit to Appropriate Water No. \_\_\_\_\_  
▶ (E) Exempt Existing Right No. \_\_\_\_\_  
▶ (D) Powder River Basin Decreed Right No. \_\_\_\_\_  
▶ Other \_\_\_\_\_

B. SELLER (person relinquishing the water right): If all seller's signatures are not available, attach a copy of the recorded instrument showing conveyance of the property from the seller to the buyer. If the seller listed is not the person identified as the water right owner in the DNRC records, attach copies of the recorded documents showing chain of title including the legal description.

Yes ☐ No ☐ Did the buyer receive 100% of the seller's interest in the water rights shown above? If no, attach a map showing buyer's property.  
Yes ☐ No ☐ If the sale is on a contract for deed, does the seller want to remain listed as an owner of the water right?

Seller Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Seller Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### C. FOR QUESTIONS or CLARIFICATION, WHO SHOULD THE DNRC CONTACT?

Name \_\_\_\_\_ Address \_\_\_\_\_ Phone # \_\_\_\_\_

D. REMARKS \_\_\_\_\_  
\_\_\_\_\_

FOR DEPARTMENT USE ONLY			WATER RIGHT TRANSFER CERTIFICATE	
Fee Rec'd	Check No.	Transmittal No.	Date Rec'd	
Payor				
Refund	Date			
Coder	RO#			
For Complete Information. See File			Rec'd By	

Main Geocode: \_\_\_\_\_  
Assessment Code Or Parcel # \_\_\_\_\_

**DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION  
AND MONTANA WATER COURT**

**IMPORTANT INFORMATION**

- ▶ Montana law requires this form be filed by the seller within 60 days after recording a change in ownership of real property which has water rights on record with the DNRC.
- ▶ Do not file this form if your only use of water is from an irrigation district, municipal system, water users association, or other public water supply.
- ▶ When the DNRC updates the ownership we will send a confirmation to the buyer and seller. DNRC will use the names and addresses as shown on the reverse side of this form.
- ▶ Water rights in Montana, including all irrigation water rights, must have a valid DNRC water right number to be of record. However, existing rights for livestock and individual domestic as opposed to municipal uses based on an instream flow or groundwater source appropriated before July 1, 1973, do not need a DNRC water right number. If the water use does not have a DNRC water right number and does not fall within the above narrow exception, then you do not have a water right. Contact the DNRC for information on how to acquire a water right.

Described below is further explanation of exempt rights or water rights which are valid without a DNRC water right number. A DNRC water right number is not required for the following if the use began:

- ▶ prior to January 1, 1962: groundwater used for individual domestic use, as opposed to municipal use;
- ▶ prior to January 1, 1962: groundwater used for stock;
- ▶ between January 1, 1962 through June 30, 1973: groundwater used for stock or domestic purpose and a GW1, GW2, or GW3 form is properly filed in the courthouse; or
- ▶ prior to July 1, 1973: instream surface water used for stock or domestic purposes.

If a water right does not have a DNRC number, and does not fall within the above exceptions, then there is no water right.

**IF YOU HAVE QUESTIONS CALL YOUR LOCAL REGIONAL OFFICE.**

**BILLINGS**

**Airport Business Park  
1371 Rimtop Drive  
Billings, MT 59105-1978  
Phone: 406-247-4415**

Big Horn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, and Yellowstone Counties

**BOZEMAN**

**2273 Boot Hill Court, Suite 110  
Bozeman, MT 59715  
Phone: 406-586-3136**  
Gallatin, Madison, and Park Counties

**GLASGOW**

**222 Sixth Street South  
PO Box 1269  
Phone: 406-228-2561**  
Daniels, Dawson, Garfield, McCone, Phillips, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties

**HAVRE**

**210 Sixth Ave  
Havre, MT 59501-1828  
Phone: 406-265-5516**  
Blaine, Chouteau, Glacier, Hill, Liberty, Pondera, Teton, and Toole Counties

**HELENA**

**1424 Ninth Ave  
PO Box 201601  
Helena, MT 59620-1601  
Phone: 406-444-6999**  
Beaverhead, Broadwater, Deer Lodge, Jefferson, Lewis and Clark, Powell, and Silver Bow Counties

**KALISPELL**

**109 Cooperative Way, Suite 110  
Kalispell, MT 59901-2387  
Phone: 406-752-2288**  
Flathead, Lake, Lincoln, and Sanders Counties

**LEWISTOWN**

**613 NE Main, Suite E  
Lewistown, MT 59451-2020  
Phone: 406-538-7459**  
Cascade, Fergus, Golden Valley, Judith Basin, Meagher, Musselshell, Petroleum, and Wheatland Counties

**MISSOULA**

**Town & Country Shopping Center  
1610 S. Third St. W., Suite 103  
PO Box 5004  
Missoula, MT 59806-5004  
Phone: 406-721-4284**  
Granite, Mineral, Missoula, and Ravalli Counties

The Montana Water Court is currently adjudicating all Statements of Claim. For the current status of the claim(s) specified on the ownership update or if you have questions for the Water Court, call 1-800-624-3270 (in state) or 406-586-4364.

**<http://www.dnrc.state.mt.us/wrd/home.htm>**

**FILING FEE: \$50.00 for one water right and \$10.00 for each additional right up to a maximum of \$300.00.**

**▶ Send the form along with the fee to:  
DNRC, PO BOX 201601, HELENA, MT 59620-1601  
(MAKE CHECK PAYABLE TO DNRC)**